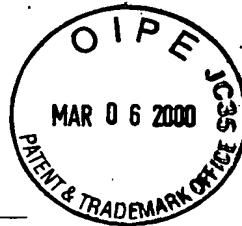


Docket No. 23925-4

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Box Missing Parts; Assistant Commissioner of Patents, Washington, DC 20231 on March 1, 2000.

Laureen E Mains  
Laureen E. Mains



SECTOR 8  
PATENT

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Paul T. Gardiner et al : Paper No.: \_\_\_\_\_

Serial No.: 09/482,688 : Group Art Unit: 1761

Filed: January 13, 2000 : Examiner: \_\_\_\_\_

For: **Food Supplement for Increasing Lean Mass and Strength**

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
APPLICATION--FILING DATE GRANTED**

**BOX MISSING PARTS**  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts of Application--Filing Date Granted dated February 18, 2000, enclosed is a Declaration and Power of Attorney signed by the fourth inventor, Robert W. Thoburn. Also enclosed is a Verified Statement Claiming Small Entity Status - Independent Inventor, signed by Robert W. Thoburn.

A copy of the Notice is enclosed. A check in the amount of \$65.00 for the small entity surcharge for submitting a Response to the Notice is also enclosed by check.

It is believed that this represents a complete response to the Notice and completes establishment of small entity status for this application.

Respectfully submitted,

By Holly D. Kozlowski  
Holly D. Kozlowski, Reg. No. 30,468  
Attorney for Applicants  
DINSMORE & SHOHL LLP  
1900 Chemed Center  
255 East Fifth Street  
Cincinnati, Ohio 45202  
(513) 977-8568



ADDRESS: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/482,688	01/13/00	GARDINER	P 23925-4
HOLLY D KOZLOWSKI DINSMORE & SHOHL LLP 1900 CHEMED CENTER 255 EAST FIFTH STREET CINCINNATI OH 45202			
		DATE MAILED:	02/18/00

### NOTICE TO FILE MISSING PARTS OF APPLICATION

#### *Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of  \$65.00 for a small entity in compliance with 37 CFR 1.27, or  \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
 small entity (statement filed)  non-small entity is \$ 65.00

1. The statutory basic filing fee is:  
 missing.  
 insufficient.

Applicant must submit \$ 65.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

2. The following additional claims fees are due:

\$ 65.00 for total claims over 20.

\$ 65.00 for independent claims over 3.

\$ 65.00 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

3. The oath or declaration:

is missing or unsigned.  
 does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

Robert W. Thoburn 1172

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k); unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

C. Moller

Customer Service Center  
Initial Patent Examination Division (703) 308-1202